

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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FIFTY-SIX HOPE ROAD MUSIC, LTD.,)
et al.,)

2:08-cv-00105-PMP-GWF

Plaintiffs,

v.

A.V.E.L.A., INC., *et al.*,

Defendants.

ORDER

Before the Court for consideration is Plaintiffs' Motion to Find Defendants A.V.E.L.A., Inc. ("AVELA"), Leo Valencia, and Sci-Fi Productions, Inc., dba X One X Movie Archive, Inc. ("X One X") (collectively, "the AVELA Defendants"), and certain of its licensees - namely, Pricepoint Accessories dba Section 8 ("Section 8"), Funko, LLC ("Funko"), JGR Copa, LLC ("JGR Copa") and C&D Visionary, Inc. ("C&D Visionary") - In Contempt of Court (Doc. #344) for violating the permanent injunction in this case on February 14, 2011 (Doc. #307). Having considered Plaintiffs' fully briefed Motion and the arguments of counsel presented at the hearing conducted May 16, 2012, the Court finds that Plaintiffs' Motion for Contempt must be denied.

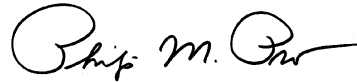
The Partial Monetary Judgment and Permanent Injunction (Doc. #307) entered by the Court on February 14, 2011, is unambiguous with respect to the obligations placed upon the AVELA Defendants and its licensees. To obtain an Order of Contempt, Plaintiffs bear the burden of proving by clear and convincing

1 evidence that the allege contemnor violated the Injunction, that such violation was
2 beyond substantial compliance, and was not based on a good faith and reasonable
3 interpretation of the Injunction. *Labor/Community Strategy CTR v. Los Angeles*
4 *Metro Transportation Authority*, 564 F. 3d 1115, 1123 (9th Cir. 2009). The Court
5 finds that the evidence and declarations offered by Plaintiffs fail to meet their
6 burden with regard to each of the alleged contemnors.

7 **IT IS THEREFORE ORDERED** that Plaintiffs' Motion for Contempt
8 (Doc. #344) is **DENIED**.

9 **IT IS FURTHER ORDERED** that Defendant AVELA's Countermotion
10 for Attorneys Fees and Costs (Doc. #355) is **DENIED**.

11 DATED: May 18, 2012.

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13 PHILIP M. PRO
14 United States District Judge
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